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Detours on the path to CIA reforms

The CIA needs a charter enacted by Congress and approved by the president to replace the welter of laws and executive orders that now govern the agency. Nearly everyone agrees that the need exists: senators, representatives, the intelligence agency's critics, its defenders, the president and, not least, CIA director Stansfield Turner, who visited Minneapolis this week.

But opinions collide on what the charter should say. The American Civil Liberties Union flatly opposes "covert actions" like the CIA's past operations against foreign governments. The Heritage Foundation laments "obsessive concern with juridical abstractions" because, it says, civil liberties are secondary to national security. Turner and the administration are pursuing a middle road which, except for a few alarming detours, would give the CIA appropriate authority for intelligence-gathering with reasonable assurance against repetition of past abuses.

That assurance would come largely through congressional oversight by House and Senate intelligence committees, to which the CIA would report all covert actions. Those committees get such reports now. But so do six other committees, under provisions of a 1974 law. That proliferation of sensitive information increases the likelihood of its disclosure. According to Turner, the resulting inhibitions prevent the CIA from doing its job well. He argues, reasonably, that the intelligence committees' rotating memberships introduce varied congressional viewpoints and that members can relate essential information to other committees on which

they sit. The argument is persuasive. Oversight should be restricted to the two committees.

A far less persuasive argument concerns exceptions to prohibitions that a new CIA charter would define. Turner supports the idea of explicit limitations on CIA authority. But he wants a clause permitting the CIA director to make exceptions, which he says would provide flexibility with accountability. An example is the CIA's recruiting of scholars, clergy and journalists to moonlight on the agency's behalf. That practice has stopped — for the most part. There may be extraordinary situations in which such exceptions should be permitted under a new CIA charter, as apparently some are made now. But Turner seems to believe that private citizens should routinely compare notes with the CIA and that the extraordinary act is failure to do so.

If scholars, clergy, journalists and others who work abroad decline to be quasi-agents, are they really showing "unpatriotism," as Turner charged? Are they "cynical," as he also said, and "disloyal" and "unfriendly"? Does intelligence in its broader sense — public as well as governmental knowledge of the world — really benefit when people in other countries suspect that the researcher or reporter or missionary to whom they are talking may be a conduit to the CIA? We think not. The disturbing aspect of the administration's soon-to-be-made CIA charter proposals is not the prospect of limitations on the agency. It is the evidence that the intelligence director wants the power to make exceptions routine.